

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

WILHELMSSEN PREMIER MARINE FUELS AS

07 Civ. 5798 (CM)

Plaintiff,

against

UBS PROVEDORES PTY LTD. AND
RAECORP INTERNATIONAL PTY LTD.,

Defendants

X

**DECLARATION OF
ROSE HENNESSY**

Rose Hennessy, hereby declares, under penalty of perjury, that:

1. I am the Chief Financial Officer of UBS Provedores PTY LTD. ("UBS") and was so employed during all relevant times.
2. In July of 2007, on behalf of UBS Provedores PTY LTD, I initiated wire transfers to Australian Bunkering ("AB") in the amount of \$68,885.12. AB informed me that it did not receive the wire transfers.
3. Shortly thereafter, I learned from our Australian Attorney, Mr. Adrian Dore, that Wilhelmsen had attached the wire transfers. I understood that was the reason AB did not receive the money UBS sent them.
4. AB initiated legal proceedings in Australia on September 7, 2007 to recover the money UBS owed it.
5. On November 9, 2007, UBS settled its dispute with AB pursuant to a settlement agreement that required UBS to pay AB additional funds. At the time of the settlement, I

understood that AB had not received the wire transfers for \$68,868.12 that UBS initiated in July, 2007. That understanding was one of the bases for the terms of the settlement with AB.

6. On December 7, 2007, I initiated a wire transfer from UBS to Wilhelmsen in the amount of \$419,420.49 USD. Attached is a true copy of UBS' bank's confirmation of wire transfer relating to that transfer.

Pursuant to 28 United States Code §1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at Morningside, QLD, Australia, on February 1, 2008.



Rose Hennessy